



# **SCREENING CHAPTER 24 JUSTICE, FREEDOM AND SECURITY**

## **AGENDA ITEM 2: ASYLUM**

**Country Session: Republic of TURKEY  
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## LEGISLATION

Following legislative instruments stipulate the clauses and modalities on granting and withdrawing refugee status, residence of refugees and other provisions on asylum.

- Convention on the Status of Refugees (Geneva Convention) of 1951,
- Additional Protocol to the Geneva Convention of 1967,
- Law No. 2510 on Settlement,
- Law No: 5683 on Residence and Travel of Aliens in Turkey
- Passport Law No: 5682,
- Law No: 4817 on Work Permits of Aliens,
- Asylum Regulation No: 6169 of 1994 amended by Council of Ministers' Decision No: 9908 in 2006.



## GEOGRAPHIC LIMITATION

Turkey is party to the 1951 Convention on the Status of Refugees (Geneva Convention) and its 1967 Additional Protocol with “geographic limitation”. Thus, the provisions of the Convention apply to those would-be refugees who arrive into the Turkish territory from the “European countries”.

According to the current practice, following countries are considered to be “European”: Estonia, Latvia, Lithuania, Moldova, Belarussia, Ukraine, Russian Federation (including the Asian part), Georgia, Armenia and Azerbaijan. Other countries located farther West on the European continent are also considered as European countries.

Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan and Turkmenistan are regarded as “non-European.”

This distinction is meant to be in line with the overall UN orientations.



## REFUGEES-ASYLUM SEEKERS

According to the Turkish legislation, all the responsibilities concerning refugees stipulated in the 1951 Geneva Convention are assumed and implemented vis-à-vis applicants from “European countries”.

Those applicants coming from non-European countries are qualified as asylum-seekers. Responsibilities arising from the Geneva Convention such as international protection as well as other types of protection, non-refoulement principle and other liabilities towards refugees in terms of social assistance, education, employment etc. are assumed and extended by Turkey to asylum-seekers as well.

Due to geographic limitation, however, asylum-seekers qualified as refugees are resettled into third countries by UNHCR in collaboration with International Organization for Migration (IOM).



## NON-REFOULEMENT

Turkey strictly complies with the principle of “non-refoulement”.

Persons who are assessed to be under risk of persecution in their countries of origin, are not deported, even if they are not qualified as refugees.

There are three main types of protection:

- Regular protection for refugees/asylum seekers,
- Temporary protection in case of mass influx,
- Subsidiary protection for those who still need to stay in Turkey.



## NATIONAL ACTION PLAN

Within the framework of EU accession process, Turkey finalized a “National Action Plan on Asylum and Migration”.

The Plan was signed and brought into force by the Prime Minister of Turkey on 25 March 2005.

This plan has been submitted to the EU Commission.



## DECISION-MAKING PROCESS ON ASYLUM/REFUGEE APPLICATIONS

Application for asylum/refugee status is received by the Governorships which submit the application file to the Ministry of Interior with their assessment on the matter. Determination of eligibility is carried out by the Ministry.

Turkey cooperates with UNHCR for processing requests by applicants coming from outside Europe. Decisions of UNHCR and of the Ministry of Interior are harmonised.

The decision about the application (positive or negative) is communicated in writing to the applicant. When a positive decision is made, the applicant is allowed to reside in Turkey.



## OBJECTION TO A NEGATIVE ASYLUM DECISION

In case of a negative decision, the applicant may object to this decision within 15 days.

Asylum-seekers are also notified in writing of their legal rights.

Should the applicant object to the decision, the Ministry of Interior allows him/her to reside in Turkey until a decision is made on the objection. The objection is taken up by an administrative authority superior to the one that rejected the application.

A positive decision on the objection leads to the granting of the asylum seeker/refugee status and the applicant is notified accordingly by the relevant Governorship.





Even if a negative decision is taken on the objection, the person concerned may be granted residence permit on humanitarian grounds.

Whether coming from a European or from a non-European country each case is taken up and processed according to its own merits.

When an asylum-seeker resorted to judicial appeal process against the final administrative decision regarding his/her application, all the data in his/her file become available to the applicant as well as to his/her attorney.



## ACTION FOR CANCELLATION AND APPEAL AGAINST ADMINISTRATIVE COURT DECISION

In the event of a final negative administrative decision on asylum request, the applicant may file a cancellation suit before a regional administrative court.

As a second step, appeal to the Council of State is possible.

Objection and demand for cancellation and appeal will lead to suspension on deportation procedures.



## ASSISTANCE PROVIDED TO ASYLUM SEEKERS/REFUGEES

Besides UNHCR, the Turkish Government provides direct aid in the form of cash, food, clothing, health services and heating material to recognized asylum seekers and refugees.

Non-European asylum applicants receive medical assistance while they are waiting for their application to be processed.

The children of applicants for asylum/refugee status have the right to attend Turkish schools.



## PROJECTS ON IMPROVEMENT OF ASYLUM-RELATED LEGISLATIVE POLICIES AND PRACTICES

The training project with EU- High Level Working Group on Supporting Turkish Authorities Responsible for Migration in the Field of Asylum was conducted in 2003-2004.

Within the framework of the EU harmonization efforts, Turkey conducted with the Denmark-UK Consortium a Twinning Project entitled “TR02-JH-03: Support for the Development of an Action Plan to Implement Turkey’s Asylum and Migration Strategy” in 2004-2005. Following the completion of the said project, a National Action Plan on Asylum and Migration was adopted in 2005, among other purposes, to streamline the asylum policies and procedures. The Action Plan provides for the progressive adoption of the *acquis*.



The Representation of International Catholic Migration Commission (ICMC) to Turkey, the UK Embassy and the Turkish Ministry of Interior jointly commenced the currently ongoing “Training Project for Increasing Police Capacity in the Fields Pertaining to Refugees/Asylum Seekers” in 2005 where central and provincial personnel of Ministry of Interior working on asylum have been training, in particular on interview techniques.

A Twinning and Investment Project on Establishment of Country of Origin and Asylum Information Systems, presented to the EU Commission in January 2006, is geared towards a smooth and effective functioning of the asylum regime.



Turkey continued with training on asylum processing in cooperation with UNHCR. Over the recent years, UNHCR organised seminars for Turkish officials such as police officers, gendarmerie, coast guard, land forces, judges and prosecutors.

Furthermore, the Ministry of Interior has been facilitating the implementation aspects of the asylum regime. The official stance encompasses a positive, protection-oriented approach and incorporates the minimum standards.

Certain clauses of the 1994 Asylum Regulation was amended in January 2006.

In order to gain further experience on asylum, the agencies concerned in Turkey will need installation of reception, accommodation and return facilities.



## The Number of Persons Having Applied for Asylum in Turkey

In general, Turkey faced a slight decrease in arrivals of asylum seekers. However, there was a significant increase in applicants for asylum from Africa, mainly from Somalia, Sudan, Eritrea and Ethiopia.

While 3,026 applied for asylum in 2004, 2,754 persons sought asylum in 2005.

The overall number of persons from 1995 to 2005 who have applied for asylum in Turkey is 40,898.

The number of the asylum status recognized.....	20,545
The number of the application rejected.....	6,869
The number of ongoing processes.....	11,723
The number of the abandoned requests.....	1,761



## Ten countries from which the asylum-seekers arrived in largest numbers from 1995 to 2005

Iran.....	25,017
Iraq.....	13,998
Afghanistan.....	806
Somalia.....	225
Uzbekistan.....	167
Bosnia and Herzegovina.....	48
Sudan .....	43
Syria.....	39
Azerbaijan.....	36
Algeria.....	26





## PROTECTION OF SPECIAL CATEGORIES OF PEOPLE IN TERMS OF ASYLUM

Turkey strictly applies the UN Convention on the Rights of the Child. Thus, Turkey recognizes the child's right to protection.

Asylum claims of unaccompanied children are carefully processed and they are provided legal guardianship by the Institution for the Social Services and Child Protection, assisted by UNHCR. These children are provided social and psychological assistance.